Contact: Kevin Conway
Associate Director of University Communication
(414) 288-4745 – office
(414) 202-9329 – mobile
kevin.m.conway@marquette.edu

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This release is also available online.

New Marquette Law School Poll national survey finds continued general trend of lower public approval of work of U.S. Supreme Court

Please note: Complete Poll results and methodology information can be found online at law.marquette.edu/poll

MILWAUKEE – A new Marquette Law School Poll national survey finds that 44% of adults approve of the job the U.S. Supreme Court is doing, while 56% disapprove. This is a slight decline from January, when 47% approved and 53% disapproved. Approval of the Court's work hit a low of 38% in July 2022 and had risen gradually in every-other-month polling until this new poll. In all of these surveys since the middle of last year, approval has remained well below the 60% rate from July 2021.

The trend in approval since 2020 is shown in Table 1. (All results in the tables are stated as percentages; the precise wording of the questions can be found in the online link noted above.)

Table 1 (right): Overall, how much do you approve or disapprove of the way the U.S. Supreme Court is handling its job?

The latest Marquette Law School Poll's national Supreme Court survey was conducted March 13-22, 2023. The survey interviewed 1,004 adults nationwide and has a margin of error of +/-3.8 percentage points.

Partisan differences in approval of the Court are quite pronounced in the current poll, in contrast to minimal such differences as recently as July 2021. Table 2 shows approval by partisanship then and now.

Poll dates	Approve	Disapprove
9/8-15/20	66	33
7/16-26/21	60	39
9/7-16/21	49	50
11/1-10/21	54	46
1/10-21/22	52	46
3/14-24/22	54	45
5/9-19/22	44	55
7/5-12/22	38	61
9/7-14/22	40	60
11/15-22/22	44	56
1/9-20/23	47	53
3/13-22/23	44	56

Table 2: Overall, how much do you approve or disapprove of the way the U.S. Supreme Court is handling its job?, by party identification

(a) March 2023

Party ID	Approve	Disapprove
Republican	66	34
Independent	39	61
Democrat	28	72

(b) July 2021

Party ID	Approve	Disapprove
Republican	57	42
Independent	61	37
Democrat	59	40

In March, approval among Democrats was 7 percentage points lower than in January, and it was also 3 points lower among independents in January. Approval among Republicans was 1 point lower than in that early 2023 poll.

Shifts in approval have been substantial since 2020. Table 3 shows approval by party in each of the Marquette polls since September 2020. A sharp increase in party polarization began in September 2021 before decreasing somewhat through March 2022. Polarization then increased in May 2022, following the leak of the draft opinion in *Dobbs v. Jackson Women's Health Organization*, suggesting that the Court would overturn the *Roe v. Wade* decision on abortion rights. Partisan differences further intensified in July 2022, following the Court's ruling in *Dobbs* overturning *Roe*. In the subsequent months, approvals among independents and Democrats had moved upward from their low points, until this latest poll, while Republican approval has fluctuated over the past year between 64% and 71%.

Table 3: Approval of the Court, by party identification, Sept. 2020-Jan. 2023

Poll dates	Republican	Independent	Democrat
9/8-15/20	80	64	57
7/16-26/21	57	61	59
9/7-16/21	61	51	37
11/1-10/21	61	53	49
1/10-21/22	60	52	45
3/14-24/22	64	51	52
5/9-19/22	71	38	28
7/5-12/22	67	39	15
9/7-14/22	65	34	24
11/15-22/22	70	40	28
1/9-20/23	67	42	35
3/13-22/23	66	39	28

Awareness of pending cases

Unlike Congress or the president, the Supreme Court is not constantly in the news. Rather, coverage is concentrated around the announcement of decisions and, to some extent, the argument of cases or the appointment of justices. This fluctuating pattern of news means the public may not hear about most cases before they are decided.

In March, 17% said they had heard or read a lot about "a Supreme Court case concerning the use of race in college admissions," 50% had heard a little, and 32% had heard nothing at all. The cases, *Students for Fair Admissions Inc. v. President and Fellows of Harvard College* and *Students for Fair Admissions v. University of North Carolina* were argued Oct. 31. In the national November 2022 Marquette Law School Poll, conducted shortly after oral arguments, 20% had heard a lot, 45% had heard a little, and 34% had heard nothing about the cases.

The public was more aware of a set of cases concerning student loan forgiveness, argued February 28, 2023, *Biden v. Nebraska* and *Department of Education v. Brown*. Fifty percent said they had heard a lot about this, 41% a little, and 10% had heard nothing at all.

Awareness was lower about a pair of cases concerning social media companies, argued Feb. 21-22, *Gonzalez v. Google LLC* and *Twitter v. Taamneh*. Nine percent said they had heard a lot, 51% a little, and 40% had heard nothing.

Views of the justices

The justices of the U.S. Supreme Court are not generally well known among the public, with a majority of the public saying they don't know enough to give a favorable or unfavorable opinion about most justices. Justice Clarence Thomas is the most widely known and Justice Elena Kagan the least well known, as shown in Table 4.

Table 4: Some justices of the Supreme Court are better known than others. For each of these names, have you never heard of them, heard of them but don't know enough to have an opinion of them, have a favorable opinion or have an unfavorable opinion?

Justice	Favorable	Unfavorable	Unable to rate
Samuel Alito	15	16	69
Amy Coney Barrett	22	27	51
Neil Gorsuch	18	15	67
Ketanji Brown Jackson	26	15	59
Elena Kagan	17	10	73
Brett Kavanaugh	25	34	41
John Roberts	25	15	60
Sonia Sotomayor	34	15	52
Clarence Thomas	29	32	38

While knowledge about the justices is quite limited, partisans hold predictably different views of the justices. Republicans give net favorable ratings to justices appointed by Republican presidents and net unfavorable ratings to those appointed by Democratic presidents. Democrats do the opposite, with the exception of the case of Chief Justice John Roberts, who has a net favorable rating across all partisan groups. Table 5 shows the net approval-minus-disapproval by party identification.

Table 5: Net favorable-minus-unfavorable rating, by party identification

Justice	Republican	Independent	Democrat
Alito	16	-3	-19
Barrett	37	-12	-40
Gorsuch	24	2	-18
Jackson	-16	6	46
Kagan	-6	4	25
Kavanaugh	46	-16	-55
Roberts	19	6	6
Sotomayor	-9	15	52
Thomas	46	-4	-53

Pending cases

The public is skeptical of the permissibility of the use of race in admission to college programs, with 33% in favor of a decision that would ban the use of race and 17% opposed. The case is not yet on the top of the mind of most respondents, however, with 50% saying they haven't heard anything about such a case or haven't heard enough to have an opinion.

Polling on this topic since September 2021 has seen consistent opposition to the use of race in admissions. Table 6 (a) shows views including those who have not heard enough about the issue, and Table 6 (b) shows the percentages for only those with an opinion.

Table 6: Do you favor or oppose the following possible future Supreme Court decisions, or haven't you heard enough about this to have an opinion? Rule that colleges cannot use race as one of several factors in deciding which applicants to admit.

(a) Among all respondents

Poll dates	Heard nothing/not enough	Favor such a ruling	Oppose
9/7-16/21	33	53	13
3/14-24/22	33	49	17
9/7-14/22	50	37	13
11/15-22/22	42	41	16
1/9-20/23	49	35	16
3/13-22/23	50	33	17

(b) Among those with an opinion

Poll dates	Favor such a ruling	Oppose
9/7-16/21	81	19
3/14-24/22	75	25
9/7-14/22	74	26

11/15-22/22	72	28
1/9-20/23	68	32
3/13-22/23	66	34

There are substantial partisan differences on this issue as shown in Table 7, with majorities of Republicans and independents in favor of banning the use of race while a majority of Democrats are opposed, among those with an opinion about the case.

Table 7: Do you favor or oppose the following possible future Supreme Court decisions, or haven't you heard enough about this to have an opinion? Rule that colleges cannot use race as one of several factors in deciding which applicants to admit. By party identification.

(a) Among all respondents

Party ID	Heard nothing/not enough	Favor such a ruling	Oppose
Republican	46	45	8
Independent	52	35	13
Democrat	53	17	30

(b) Among those with an opinion

Party ID	Favor such a ruling	Oppose
Republican	84	16
Independent	72	28
Democrat	37	63

Another case, argued this past December, *303 Creative LLC v. Elenis*, poses the question whether the religious beliefs or free speech rights of business owners can justify refusing to provide some services to LGBTQ customers. A plurality of those with an opinion, 33%, oppose a decision allowing such a business to refuse services, while 25% favor such a ruling. As with college admissions, a substantial number, here 42%, have not heard of this case or have not heard enough to have an opinion. The trend in opinion on this question is shown in Table 8.

Table 8: Do you favor or oppose the following possible future Supreme Court decisions, or haven't you heard enough about this to have an opinion? Decide that a business owner's religious beliefs or free speech rights can justify refusing some services to gay people.

(a) Among all respondents

Poll dates	Heard nothing/not enough	Favor such a ruling	Oppose
3/14-24/22	29	28	43
9/7-14/22	44	21	35
11/15-22/22	35	25	40
1/9-20/23	43	24	33
3/13-22/23	42	25	33

(b) Among those with an opinion

Poll dates	Heard of case and favor such a ruling	Heard of and oppose
3/14-24/22	39	61
9/7-14/22	37	63
11/15-22/22	39	61
1/9-20/23	43	57
3/13-22/23	43	57

Prior decisions

In the current survey, 33% favor the June 2022 decision in *Dobbs v. Jackson Women's Health Organization*, overturning *Roe v. Wade*, while 67% oppose that ruling. The November 2022 through March 2023 responses are shown in Table 9.

Table 9: In 2022, the Supreme Court overturned Roe versus Wade, thus striking down the 1973 decision that made abortion legal in all 50 states. How much do you favor or oppose this decision?

Poll dates	Favor	Oppose
11/15-22/22	33	66
1/9-20/23	35	64
3/13-22/23	33	67

Partisan differences are very large concerning the *Dobbs* decision, as shown in Table 10 for the March survey, with a majority of Republicans favoring the *Dobbs* decision and majorities of independents and Democrats opposed.

Table 10: In 2022, the Supreme Court overturned Roe versus Wade, thus striking down the 1973 decision that made abortion legal in all 50 states. How much do you favor or oppose this decision? by party identification, March 2023

Party ID	Favor	Oppose
Republican	59	41
Independent	28	71
Democrat	12	88

Looking back to earlier decisions, a substantial majority—65%—favor the Court's 2015 ruling establishing a right to same-sex marriage, while 35% are opposed. This trend is shown in Table 11.

Table 11: In 2015 the Supreme Court ruled that the Constitution guarantees a right to same-sex marriage. How much do you favor or oppose this decision?

Poll dates	Favor	Oppose
5/9-19/22	69	31
7/5-12/22	66	34
9/7-14/22	71	29
11/15-22/22	72	28
1/9-20/23	67	33
3/13-22/23	65	35

Partisan differences on the same-sex marriage decision are shown in Table 12.

Table 12: In 2015 the Supreme Court ruled that the Constitution guarantees a right to same-sex marriage. How much do you favor or oppose this decision? by party identification, March 2023

Party ID	Favor	Oppose
Republican	41	59
Independent	70	30
Democrat	82	18

A large majority of the public favors the 2020 Supreme Court ruling that federal civil rights law protects gay and transgender workers from workplace discrimination. The trend for this question is shown in Table 13.

Table 13: In 2020, the Supreme Court ruled that a federal civil rights law protects gay and transgender workers from workplace discrimination. How much do you favor or oppose this decision?

Poll dates	Favor	Oppose
5/9-19/22	83	16
7/5-12/22	84	16
9/7-14/22	87	12
11/15-22/22	83	17
3/13-22/23	80	20

While a large majority favor anti-discrimination laws in the workplace, a majority, 70%, say transgender athletes should be required to compete on teams that match the sex they were assigned at birth, not the gender they identify with, while 30% oppose such a requirement.

There are substantial differences, by age, in opinion about transgender athletic competition, although a majority in all age groups favor restricting such competition, as shown in Table 14.

Table 14: Require that transgender athletes compete on teams that match the sex they were assigned at birth, not the gender they identify with

Age	Favor	Oppose
18-29	53	47
30-44	69	31
45-59	75	25
60+	78	21

Confidence in the Court and other institutions

Confidence in the Court has declined since 2019, when 37% said they had a great deal or quite a lot of confidence. In this poll, 28% have similar confidence. Those with very little or no confidence increased from 20% in September 2019 to 32% in March 2023. The full trend is shown in Table 15.

Table 15: Here is a list of institutions in American society. How much confidence do you have in each one? The U.S. Supreme Court.

Poll dates	Great deal/quite a lot	Some	Very little/None
9/3-13/19	37	42	20
9/8-15/20	39	45	16
7/5-12/22	28	28	44
9/7-14/22	30	34	36
11/15-22/22	30	36	34
1/9-20/23	31	38	31
3/13-22/23	28	40	32

Confidence in a number of institutions is shown in Table 16.

Table 16: Here is a list of institutions in American society. How much confidence do you have in each one?

Institution	Great deal/quite a lot	Some	Very little/None
The police	44	33	23
The FBI	34	35	31
The courts in your community	32	44	24
The US Supreme Court	28	40	32
The presidency	26	34	40
Congress	15	43	42

About the Marquette Law School Poll

The survey was conducted March 13-22, 2023, interviewing 1,004 adults nationwide, with a margin of error of +/-3.8 percentage points. Interviews were conducted using the SSRS Opinion Panel, a national probability sample with interviews conducted online. The detailed methodology statement, survey instrument, topline results, and crosstabs for this release are available at the Marquette Law Poll website. Some items from this survey are held for later release.

Wording of questions about future and past Supreme Court decisions: These items do not attempt to exactly frame the particular issues in specific cases but rather address the topic in more general terms.

The wording of questions about cases before the Court in the October 2022 Term include:

Do you favor or oppose the following possible future Supreme Court decisions, or haven't you heard enough about this to have an opinion?

- Rule that colleges cannot use race as one of several factors in deciding which applicants to admit.

- Rule that a business owner's religious beliefs or free speech rights can justify refusing some services to gay people.

The wording of questions about previous decisions include:

Opinion of *Dobbs* decision, striking down *Roe v. Wade*

- In 2022 the Supreme Court overturned *Roe versus Wade*, thus striking down the 1973 decision that made abortion legal in all 50 states. How much do you favor or oppose this decision?

Opinion of same-sex marriage decision:

- In 2015 the Supreme Court ruled that the Constitution guarantees a right to same-sex marriage. How much do you favor or oppose this decision?

Opinion of anti-discrimination law for gay and transgender workers

In 2020 the Supreme Court ruled that a federal civil rights law protects gay and transgender workers from workplace discrimination. How much do you favor or oppose this decision?

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